

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 19-1008-AB (KS)

Date: April 15, 2019

Title Ladell Stephens v. Kerry Kunz

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Gay Roberson
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

On February 11, 2019, Plaintiff, a California state prisoner proceeding *pro se* and *in forma pauperis*, filed a civil rights complaint (the “Complaint”) pursuant to 42 U.S.C. § 1983. (Dkt. No. 1.) On February 27, 2019, the Court issued an order directing service of the Complaint and ordering Plaintiff to file, within 30 days, copies of the USM-285 forms that he submits to the U.S. Marshal. (Dkt. No. 6; *see also* Dkt. Nos. 5, 7.)

More than 14 days have now passed since Plaintiff’s March 29, 2019 deadline for filing copies of the USM-285 forms, and the Court has not received copies of Plaintiff’s completed USM-285 forms. Accordingly, the Court may now recommend dismissal of the action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, which states that a civil action is subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.”

However, in the interests of justice, plaintiff is **ORDERED TO SHOW CAUSE on or before May 6, 2019**, why the Court should not recommend that this action be dismissed for failure to prosecute and comply with court orders. If Plaintiff wishes to proceed with this action, he may discharge this Order by filing: (1) a declaration signed under penalty of perjury that establishes good cause for Plaintiff’s failure to comply with the Court’s orders; and (2) copies of the USM-285 forms that were provided to the United States Marshal Service. Alternatively, if plaintiff does not wish to pursue this action, he may file a document entitled “Notice Of Dismissal” pursuant to Rule 41(a) of the Federal Rules of Civil Procedure.

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Plaintiff is advised that the failure to timely comply with this order may result in the dismissal of this case pursuant to Fed. R. Civ. P. 41(b) and Local Rule 41-1.

IT IS SO ORDERED.

Initials of Preparer

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